

# Systems Evaluation Project (SEP): Measuring Quality by Looking at System Outcomes

Margaret A. Gressens

Research Director

North Carolina Office of Indigent Defense Services (IDS)

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# Rebecca's Story



- 20-year-old single mother of two children
- Works as a grocery store clerk and struggles to provide for her family
- Arrested for shoplifting and providing false information to the police
- Magistrate set \$1,000 bond, which she cannot afford
- Next court date is 2 weeks away and she will lose her job if she misses work for that long
- Her rent is due and her children have been in the custody of a local social

# North Carolina's Systems Evaluation Project (SEP)

SEP is a blueprint for how to measure the quality of indigent defense services by looking at system performance and system outcomes

# Overview of Presentation

- Understand the power and transformative nature of data
- Understand what is unique and innovative about Systems Evaluation Project (SEP)
- Understand that we can measure and quantify indigent defense outcomes and quality

# The SEP Difference: Indigent Defense Evaluations to Date

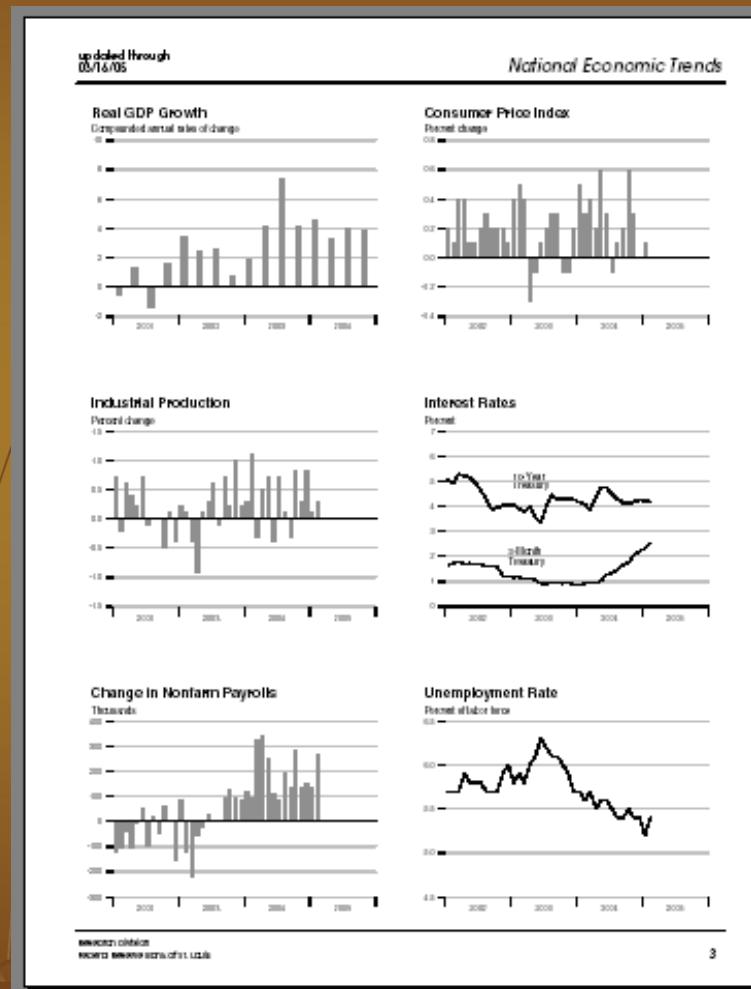
- One-time snapshots of a PD Office
- Tend to focus on processes or inputs rather than outcomes
  - Caseloads
  - Lack of funding and resources
- Fairly predictable because of limited data availability
- Do not allow for evaluation of changes in policies, practices, or procedures or provide information for managers about the most effective resource allocation
- Do not always tell you what is or is not working and why

# SEP: Unique and Innovative

- SEP is doing what has never been done before
- Set up a system of metrics or indicators of system performance
- Track data continually
  - Evaluate changes to policies, practices, procedures
  - Allocate resources more efficiently
  - Understand criminal justice system processes and indigent defense outcomes

# Widely Used Methodology

## ■ U.S. Economic Indicators



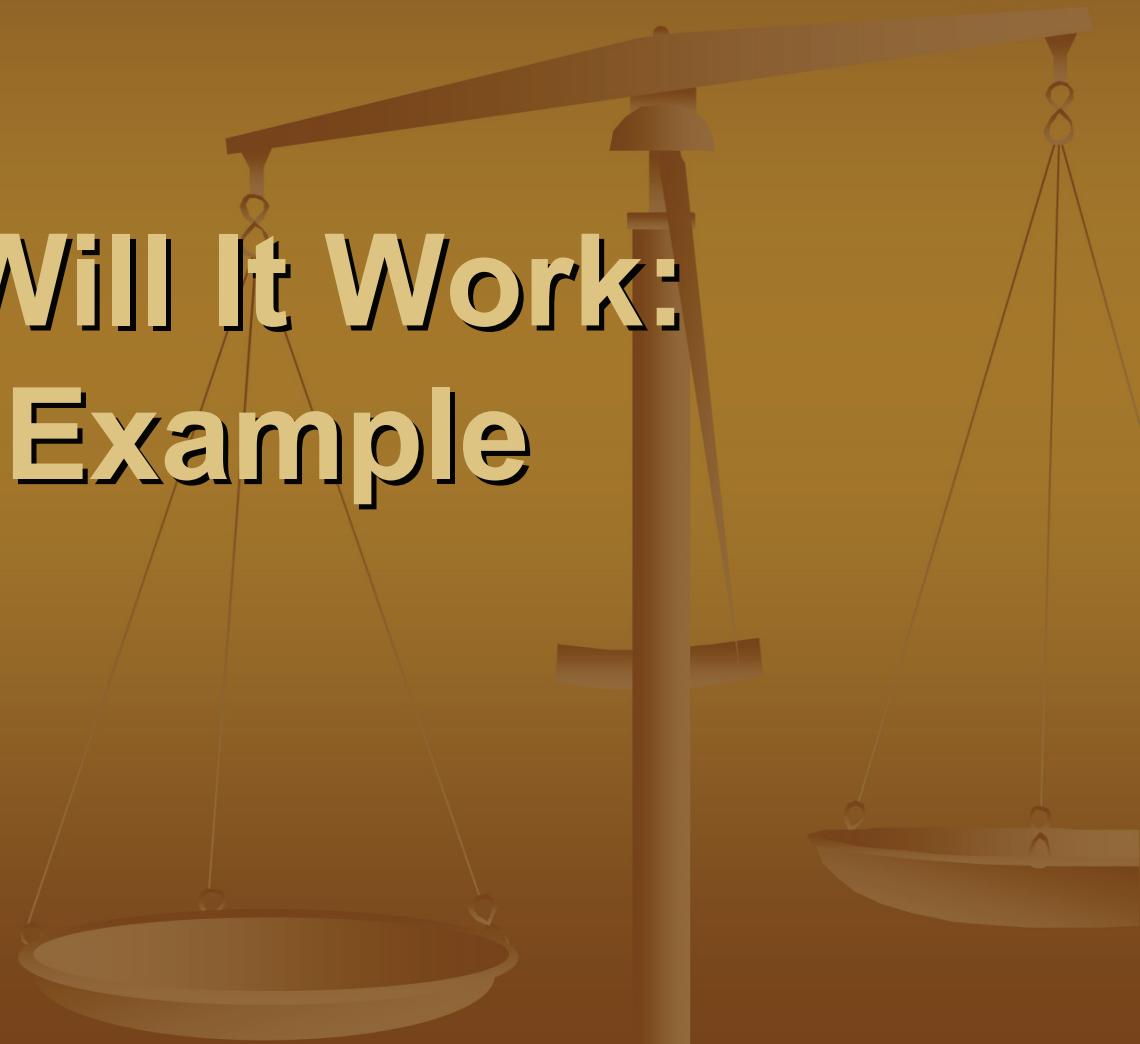
# SEP System Performance Measures

- Identified 11 goals or outcomes of a high quality indigent defense system
- Broke down the goals into 33 objectives that can be quantified and measured
- Identified the indicators or data to be collected that will tell us the story about performance

# SEP System Performance Measures Development

- National conference with indigent defense practitioners and criminal justice researchers to discuss strategies for evaluating indigent defense
- SEP Focus Groups: Asked attorneys, judges, prosecutors, clients, law enforcement, and community organizations about indigent defense
- 2-Year Literature: New developments in criminal justice research, innovations in defense practice, evaluation strategies

# How Will It Work: An Example



# Goal: Best Possible Outcomes for Clients

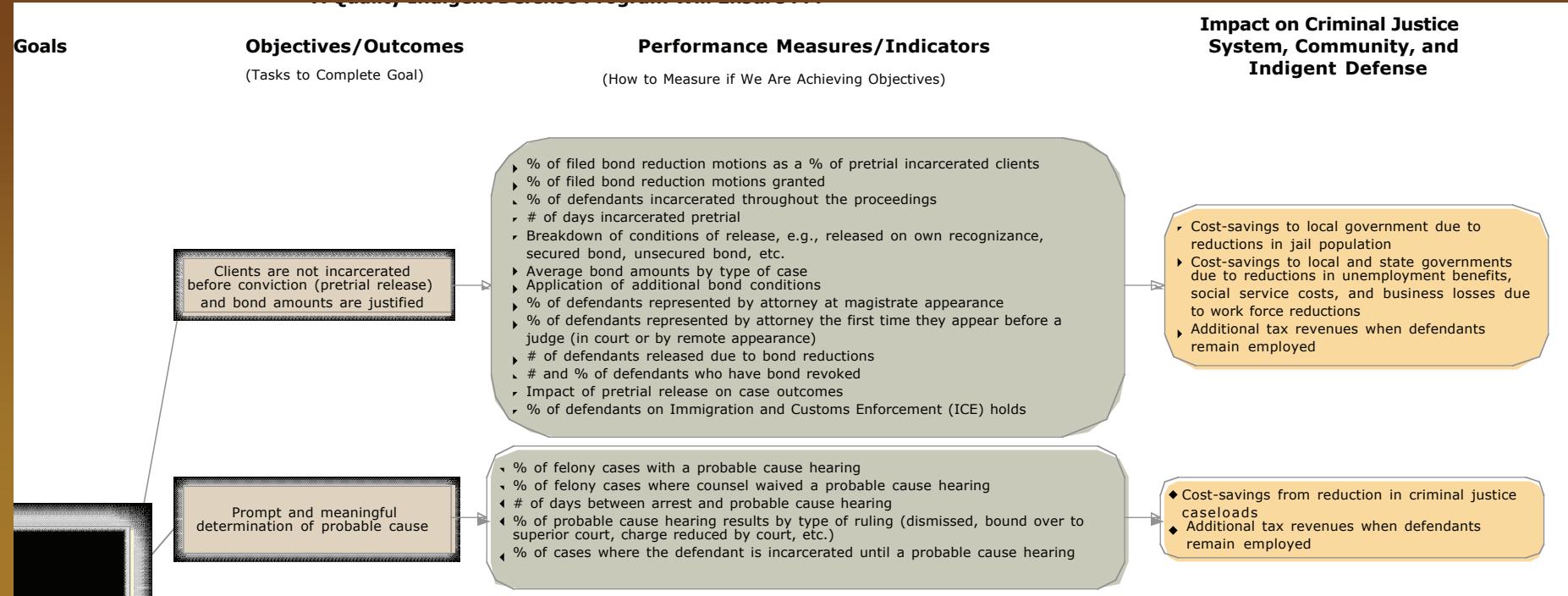
## Objective: Clients Are Not Incarcerated Before Conviction

- Criminal law has a presumption of pretrial release unless a client is a flight or public safety risk.
- Pretrial release is incredibly important to clients and the community: clients out on pretrial release can maintain jobs, housing, and family stability.
- Evidence-based research has shown that:
  - Clients out on pretrial release have better case outcomes.
  - Pretrial release increases the likelihood that case dispositions will be based on actual guilt or innocence rather than the socio-economic backgrounds of the defendants. Clients who cannot afford bail are more likely to plead guilty just to get out of jail, not because they committed the offense.

# Data Tells a Story: County A's Story

Goal: Best Possible Outcomes for Clients					
( not actual data)	County A Average	County B Average	County C Average	County D Average	Statewide Average
<b><i>Clients are Not Incarcerated before Conviction (Pretrial Release) and Bond Amounts are Justified</i></b>					
% of defendants incarcerated throughout the proceedings	30.0%	5.0%	20.0%	18.0%	23.0%
# of days incarcerated pretrial	45	17	30	24	33
Average bond amounts by type of case	\$ 1,000	\$ 400	\$ 700	\$ 500	\$ 500
% of filed bond reduction motions as a % of pretrial incarcerated clients	15.0%	50.0%	45.0%	48.0%	47.0%
% of filed bond reduction motions granted	3.0%	15.0%	9.0%	11.0%	10.0%
% of Defendants out on bond who failed to appear	5.0%	6.0%	5.0%	5.4%	5.3%

- County A average bond amounts are significantly higher than most of the state
- County A incarcerates defendants pretrial more often and for longer
- Defense attorneys in County A do less bond reduction work than the rest of the state
- County A's failure to appear rates are not significantly better than the rest of the state



- Impact on Criminal Justice System and Community
  - Impact to local governments due to jail and social service costs, such as foster care, unemployment benefits, and financial assistance programs
  - Impact on local businesses from sudden loss of employees
  - Impact on state tax revenues

# Data Tells a Story and Makes the Case for Reform and Resource Allocation

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- County A's tough bond policies are costing that county \$55 per day per incarcerated defendant for an average of 45 days AND FTA rates are not lower.
- IDS sees that aggressive bond motion practices are working elsewhere and needs to put more resources into securing pretrial release in County A

# Rebecca's Story Before SEP



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# Rebecca's Story After SEP



A year before Rebecca's arrest, SEP publishes its pretrial release study, which described bond practices in County A and suggested that changes in bond practices could:

1. Reduce jail overcrowding
2. Save taxpayer money in reduced jail costs and child protective services, and increase tax revenues
3. Reduce family disruption that was counter-productive for children
4. Relieve disproportionate punishment for a category of misdemeanor offenses
5. Not have a negative impact on public safety

# Rebecca's Story After SEP



- A coalition of defense attorneys, judges, social service and advocacy programs, community representatives, and elected officials effectively advocate for reform in County A regarding pretrial release practices in misdemeanor offenses.
- IDS creates an online bond motions bank for defense attorneys to utilize
- IDS initiates a pilot project in a PD office to see if having attorney representation at the initial appearance before a magistrate improves pretrial release rates

# Rebecca's Story



Bond amounts are lowered and pretrial release rates rise for misdemeanor defendants in County A

- Magistrates and judges benefit from having more complete information on which to make bond decisions
- Defense attorneys benefit from time and labor savings from fewer client jail visits, access to bond-motions bank, and improved client trust

# Rebecca's Story



- State and local government benefit from reductions in jail costs, social service program expenditures and increased tax revenues from increases in employment
- County A benefits from taxpayer savings now that there is no longer a need to build a new jail because of jail overcrowding
- Local businesses benefit from fewer disruptions due to the sudden loss of workers
- Overall, there is increased trust and respect for the criminal justice system within the community

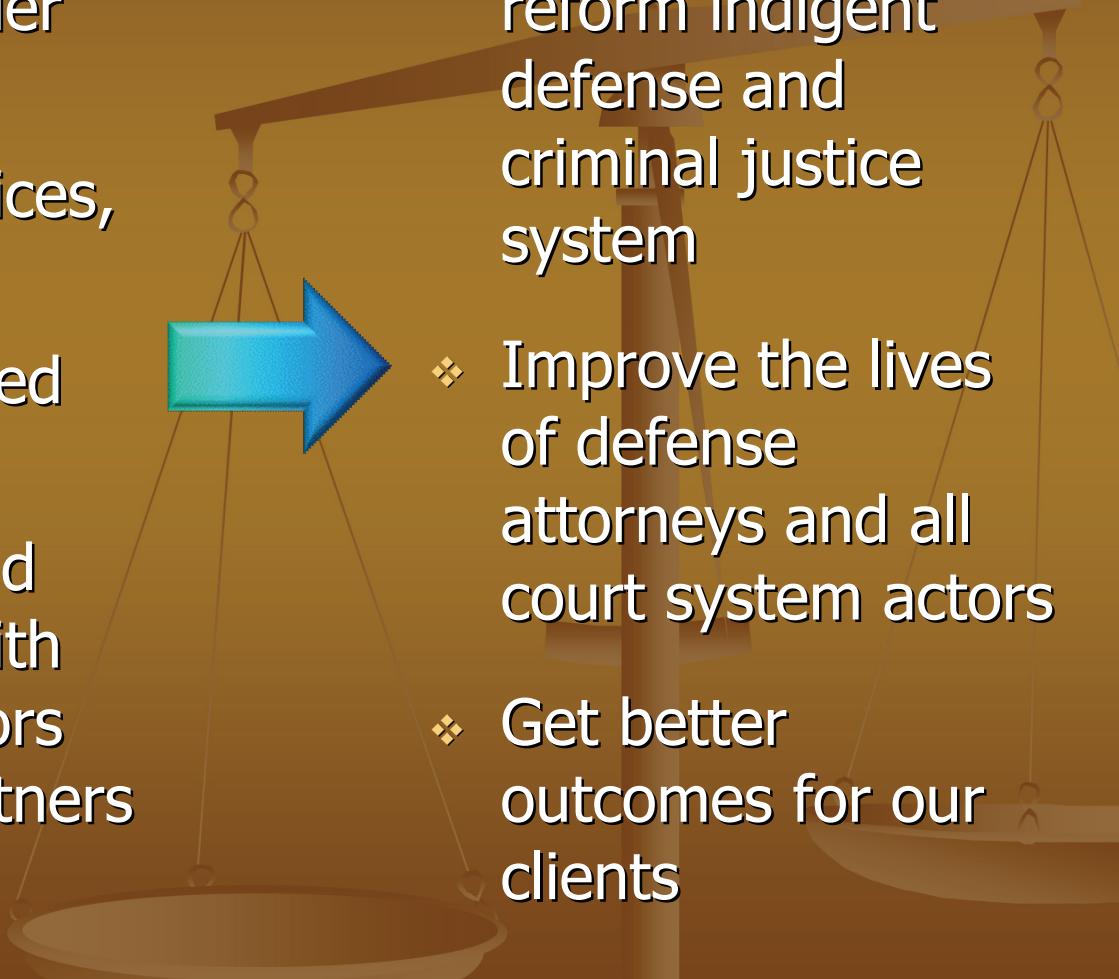
# Rebecca's Story After SEP



Rebecca was given a more reasonable bond amount and her family was able to post bond.

As a result she maintained her job and her apartment, and her children avoided the trauma of foster care.

# SEP: The Power of Outcome Data

- ❖ Understand criminal justice processes from a broader perspective
  - ❖ Evaluate policies, practices, and resource allocation
  - ❖ Often reveals unexpected information
  - ❖ Creates common ground that fosters alliances with other court system actors and non-traditional partners to advocate for reform
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- ❖ Improve and reform indigent defense and criminal justice system
  - ❖ Improve the lives of defense attorneys and all court system actors
  - ❖ Get better outcomes for our clients

# For Information on SEP

Margaret A. Gressens

Research Director

North Carolina Office of Indigent Defense Services

123 West Main Street, 4<sup>th</sup> Floor

Durham, NC 27701

919-560-3380

[Margaret.A.Gressens@nccourts.org](mailto:Margaret.A.Gressens@nccourts.org)

[www.ncids.org/Systems](http://www.ncids.org/Systems) Eval Proj



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